GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU

IN RE: REVIEW OF THE PUERTO RICO ELECTRIC POWER AUTHORITY INTEGRATED RESOURCE PLAN	**CASE NO.:** CEPR-AP-2018-0001 **SUBJECT:** PREPA's Request for Confidential Treatment for Exhibits Attached to the Production of Documents in Response to Information Request Made During IRP Evidentiary Hearings

RESOLUTION

On March 12, 2020, the Puerto Rico Electric Power Authority ("PREPA") filed before the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") a document titled *Memorandum of Law Requesting Confidential Treatment for Exhibits Attached to the Production of Documents in Response to Information Requests Made During IRP Evidentiary Hearings.* As part of its filing, PREPA requested confidential treatment of the attachments to the *Production of Documents in Response to Information Requests Made During IRP Evidentiary Hearings* ("March 12 Motion"). Through the March 12 Motion, PREPA included several exhibits, one that was submitted under seal and other that was submitted in a redacted version. PREPA states that the Exhibit A[1] of the March 12 Motion contains trade secret and performance curves of the diesel units that, if disclosed, could place PREPA in a competitively disadvantageous position in dealing with potential proponents. On the other hand, PREPA alleges that Exhibit B[2] describes specific damaged infrastructure that may need to be repaired, restored or replaced. As stated above, the reports contained in Exhibit B have been submitted in redacted version, protecting information proprietary of PREPA.

Act No. 57-2014[3] establishes that any person having the obligation to submit information to the Energy Bureau, can request privilege or confidential treatment to any information that the party submitting understands deserves such protection.[4] Specifically, Act 57-2014 requires the Energy Bureau to confidentially treat the submitted information provided that "the Energy Bureau, after the appropriate evaluation, believes such information should be protected".[5] In such case, the Energy Bureau "shall grant such protection in a manner that least affects the public interest, transparency, and the rights of

[1] Exhibit A- Nodal Spreadsheet Analysis, March 12 Motion, CEPR-AP-2018-0001.

[2] Exhibit B – Generation Report PREPA, March 12 Motion, CEPR-AP-2018-0001.

[3] Known as the *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

[4] Section 6.15 of Act 57-2014, as amended.

[5] *Id.*

the parties involved in the administrative procedure in which the allegedly confidential document is submitted."[6]

Upon examining PREPA's arguments, the Energy Bureau **GRANTS** the petition of confidential designation and treatment for Exhibit A of the March 12 Motion.

Be it hereby notified and published.

Edison Avilés Deliz
Chairman

Ángel R. Rivera de la Cruz
Associate Commissioner

Lillian Mateo Santos
Associate Commissioner

Ferdinand A. Ramos Soegaard
Associate Commissioner

CERTIFICATION

I hereby certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on April 23, 2020. I also certify that on April 23, 2020 a copy of this Resolution was notified by electronic mail to: astrid.rodriguez@prepa.com, jorge.ruiz@prepa.com, n-vazquez@aeepr.com, c-aquino@prepa.com, mvazquez@diazvaz.law, kbolanos@diazvaz.law, acarbo@edf.org, javier.ruajovet@sunrun.com, pedrosaade5@gmail.com, rmurthy@earthjustice.org, carlos.reyes@ecoelectrica.com, ccf@tcmrslaw.com, victorluisgonzalez@yahoo.com, mgrpcorp@gmail.com, hrivera@oipc.pr.gov, jrivera@cnslpr.com, manuelgabrielfernandez@gmail.com, acasellas@amgprlaw.com, corey.brady@weil.com, paul.demoudt@shell.com, escott@ferraiuoli.com, sproctor@huntonak.com, agraitfe@agraitlawpr.com, cfl@mcvpr.com, sierra@arctas.com, tonytorres2366@gmail.com, info@liga.coop, amaneser2020@gmail.com, apagan@mpmlawpr.com, sboxerman@sidley.com, bmundel@sidley.com, jfranklin@progression-energy.com.

I sign this in San Juan, Puerto Rico, today April 23, 2020.

Wanda I. Cordero Morales
Clerk

NEGOCIADO DE ENERGÍA DE PUERTO RICO
NEPR
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO

[6] *Id.*